

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 NEW DELHI 003652

SIPDIS

PASS TO NRC

E.O. 12958: DECL: 05/14/2015

TAGS: [PREL](#) [ETTC](#) [MNUC](#) [KNNP](#) [IN](#) [GOI](#)

SUBJECT: INDIAN PARLIAMENT PASSES LANDMARK WMD/EXPORT CONTROL LAW

REF: A. NEW DELHI 3603

[B](#). NEW DELHI 3392

[C](#). NEW DELHI 3270

Classified By: PolCouns Geoffrey Pyatt, for Reasons 1.4 (B, D)

[1](#)1. (C) Summary: The Indian Parliament passed the landmark "WMD and their Delivery Systems Bill" (Ref A) in record time, with only a few hours to spare before the session adjourned on May 13. FM Natwar Singh framed the bill as "overarching and integrated legislation" for India's existing non-proliferation framework and key to facilitating international cooperation on other priorities such as India's energy needs. MPs expressed hope that this law would enhance India's bid for a UN Security Council seat, but no one has focused on implementation, which suggests that more effort will be needed to educate stakeholders about its ramifications. End Summary.

[1](#)2. (U) The Rajya Sabha (Upper House) passed the "WMD and their Delivery Systems Bill" on May 13, almost record time in the Indian legislative context. With Opposition boycotting Parliament, debate in the Lok Sabha (Lower House) was unanimously supportive, and there was little discussion in the Rajya Sabha before the final vote, less than three hours before the session adjourned. The legislation will now go to the President for signature, which typically happens within a week of passage in Parliament. If the bill were controversial, the President may elect to hold or veto it, but that is unlikely in this case. The legislation is effective upon signature of the President.

[1](#)3. (U) In addition to broad political support for its objectives (Refs B and C), the GOI's adroit framing of the draft law was a factor in the unusual speed with which it sailed through the Cabinet and Parliament. In remarks introducing the bill in the Lok Sabha, FM Natwar Singh framed the proposed bill as "overarching and integrated legislation" for a variety of long-established and widely accepted policies such as the Chemical and Biological Weapons Conventions, as well as more recent obligations like UNSCR [1540](#). He also alluded to how the bill might facilitate other high-priority GOI goals such as development of its civil nuclear energy program: "The rationale (for the WMD bill) is based on the same policy tenets that have guided the country over the past several decades, which are reflective of the nation's commitment to safeguard India's national security, to deepen its autonomous scientific and technical capability for meeting our security imperatives and development goals, and to the objective of global peace and security."

Little Debate

-----

[1](#)4. (U) In the Lok Sabha, seven MPs spoke on the bill, elaborating on the FM's remarks. Noting a proposed visit by the PM to the US, possible assistance from Russia for additional nuclear reactors, and India's campaign for Security Council membership, MP Rupchand Pal (CPI-M - West Bengal) underscored the urgency of the bill, but also complained that MPs were not given enough time to understand all its provisions. Lauding the bill as a means to preserve India's strategic, scientific, and economic autonomy, he cautioned that it not be misused domestically, citing politically-motivated zealotry in carrying out the Prevention of Terrorism Act.

Business as Usual???

-----

[1](#)5. (SBU) Interestingly, none of the MPs commented on what, if any, changes might have to be made to India's current export control program and trade policy in order to comply with the new law. According to MP Pawan Bansal (Congress-Chandigarh), it would be "business as usual" for India's strategic programs, "This bill takes care to see that there is no tinkering with our nuclear policy, and there is no constraint whatsoever on our nuclear programs -- civilian or strategic." Focusing on the relatively lengthy provisions detailing punishments for violation of the law, Col (Rtd) Dhani Ram Shandil (Congress - Shimla), stated, "The most important facet of this legislation is that it is against terrorist groups." There was no discussion of the resources

necessary to implement and enforce this bill.

Comment

-----

16. (C) The GOI, and the MEA in particular, demonstrated impressive legislative legwork to ensure passage of this milestone bill in near-record time. The fact that MPs made no association between it and US efforts to lobby for stronger export control legislation, a link that may have stirred ill-timed controversy among the Left parties (possibly resulting in delay), was certainly part of MEA's strategy to ensure quick passage. Indeed, even the name of the bill, "Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Bill," seemed to have obscured the bill's practical objective to expand GOI control over export of sensitive items and technologies.

17. (C) The discussion in Parliament, however, suggests that it will take more time and effort to educate MPs, private industry, and more importantly, the relevant government agencies about the implications of this legislation such as the resources necessary to implement and enforce its provisions, and the possible consequences for the Indian trade control system and private industry.

BLAKE